



1-30-02

MRZ 1980
PATENT

2162#5
PAUS
2-6-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

Application of David C. Carrithers et al. Art Unit 2162
Serial No. 09/399,597
Filed September 20, 1999
Confirmation No. 2447
For DEBIT CARD SYSTEM AND METHOD FOR IMPLEMENTING INCENTIVE
AWARD PROGRAM
Examiner M. Tesfamariam

FEB 05 2002
Technology Center 2100

January 28, 2002

RESPONSE TO OFFICE ACTION MAILED DECEMBER 20, 2001

TO THE ASSISTANT COMMISSIONER FOR PATENTS,
Washington, D.C. 20231

SIR:

This is in response to the Office action mailed December 20, 2001. The following remarks will follow the sequence of the Office action. The Arabic numerals will refer to the paragraph of the Office action.

1. The subject matter of the various claims was commonly owned at the time of the inventions covered therein.

2. Claims 1, 4-5, 7, 9, 11-12, 14-15, 19, 21-23 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Harris et al. U.S. Patent No. 6,014,635, in view of Lalonde U.S. Patent No. 5,477,040. As indicated to the Examiner by the undersigned during a phone conference on January 14, 2002, applicants submit that Harris et al. is not prior art with respect to this application. Harris et al. was filed on December 8, 1997. However, as indicated in Preliminary Amendment A, the above-noted application is a continuation of prior application Serial No. 08/969,093, filed November 12, 1997 which is a continuation of prior application Serial No. 08/620,041, filed March 21, 1996 which is a continuation-in-part of prior application Serial No. 08/408,690, filed March 21, 1995. Since these successive applications have been co-pending, the instant application has a priority date of March 21, 1995 which predates the filing date of December 8, 1997 of Harris et al. (See 35

U.S.C. §120). Therefore, applicants respectfully request that Harris et al. be withdrawn as a reference. Applicants respectfully request that withdrawal of the rejection of claims 1, 4-5, 7, 9, 11-12, 14-15, 19, 21-23 and 26 based on Harris et al. in view of Lalonde because Harris et al. is not prior art with respect to the application and Lalonde fails to disclose a filter or filter method as recited by claims 1, 4-5, 7, 9, 11-12, 14-15, 19, 21-23 and 26.

3. Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Harris et al. in view of Lalonde as applied to claim 1 above, and further in view of Processor Certification Requirements. Applicants respectfully request withdrawal of this rejection of claim 2 because Harris et al. is not prior art with respect to claim 2, as noted above. Furthermore, it is noted that Lalonde and Processor Certification Requirements fail to disclose a filter as recited by claim 2.

4. Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Harris et al. in view of Lalonde as applied to claim 1 above and further in view of Nair et al. U.S. Patent No. 5,479,530. Applicants respectfully request withdrawal of this rejection of claim 6 because Harris et al. is not prior art with respect to claim 6, as noted above. Furthermore, it is noted that Lalonde and Nair et al. fail to disclose a filter as recited by claim 6.

5. Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Harris et al. in view of Lalonde as applied to claim 7 and further in view of Nair et al. Applicants respectfully request withdrawal of this rejection of claim 8 because Harris et al. is not prior art with respect to claim 8, as noted above. Furthermore, it is noted that Lalonde and Nair et al. fail to disclose a filter as recited by claim 8.

6. Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Harris et al. in view of Lalonde as applied to claim 1 and further in view of Processor Certification Requirements. Applicants respectfully request withdrawal of this

rejection of claim 10 because Harris et al. is not prior art with respect to claim 10, as noted above. Furthermore, it is noted that Lalonde and Processor Certification Requirements fail to disclose a filter as recited by claim 10.

7. Claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Harris et al. in view of Lalonde as applied to claim 1 and further in view of Small U.S. Patent No. 4,815,741. Applicants respectfully request withdrawal of this rejection of claim 13 because Harris et al. is not prior art with respect to claim 13, as noted above. Furthermore, it is noted that Lalonde and Small fail to disclose a filter as recited by claim 13.

8. Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Harris et al. in view of Lalonde as applied to claim 14 and further in view of Small. Applicants respectfully request withdrawal of this rejection of claim 16 because Harris et al. is not prior art with respect to claim 16, as noted above. Furthermore, it is noted that Lalonde and Small fail to disclose a filter method as recited by claim 16.

9. Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Harris et al. in view of Lalonde and Nair et al. Applicants respectfully request withdrawal of this rejection of claim 17 because Harris et al. is not prior art with respect to claim 17, as noted above. Furthermore, it is noted that Lalonde and Nair et al. fail to disclose a filter system as recited by claim 17.

[The following paragraphs refer to the unnumbered paragraphs appearing on pages 15-23 of the Office action.]

Claim 18 is rejected by the same rationale as claim 16 (page 15 of the Office action). Claim 16 is rejected based on Harris et al. in view of Lalonde and Small. Since Harris et al. is not a reference, this rejection of claim 18 should be withdrawn.

Claim 19 is rejected based on Harris et al. and Lalonde (page 15). Since Harris et al. is not a reference, this rejection of claim 19 should be withdrawn.

Claim 20 is rejected for the same rationale as claim 16 (page 17). Claim 16 is rejected based on Harris et al. in view of Lalonde and Small. Since Harris et al. is not a reference, this rejection of claim 20 should be withdrawn.

Claim 21 is rejected based on Harris et al. in view of Lalonde (page 17). Since Harris et al. is not a reference, this rejection of claim 21 should be withdrawn.

Claim 22 is rejected based on Harris et al. in view of Lalonde (page 18). Since Harris et al. is not a reference, this rejection of claim 22 should be withdrawn.

Claim 23 is rejected based on Harris et al. in view of Lalonde (page 20). Since Harris et al. is not a reference, this rejection of claim 23 should be withdrawn.

Claim 24 is rejected by the same rationale as claim 16 (page 21). Claim 16 is rejected based on Harris et al. in view of Lalonde and Small. Since Harris et al. is not a reference, this rejection of claim 24 should be withdrawn.

Claim 25 is rejected based on Harris et al. in view of Lalonde (page 21). Since Harris et al. is not a reference, this rejection of claim 25 should be withdrawn.

Claim 26 is rejected based on Harris et al. in view of Lalonde (page 22). Since Harris et al. is not a reference, this rejection of claim 26 should be withdrawn.

Claim 27 is rejected by the same rationale as claim 16 (page 23). Claim 16 is rejected based on Harris et al. in view of Lalonde and Small. Since Harris et al. is not a reference, this rejection of claim 27 should be withdrawn.

Claim 28 is rejected by the same rationale as claim 25 (page 23). Claim 25 is rejected based on Harris et al. in view of Lalonde. Since Harris et al. is not a reference, this rejection of claim 28 should be withdrawn.

10. The prior art made of record and not relied upon is considered deficient for the same reasons as the relied upon prior art, i.e., the prior art fails to disclose a filter or filter method as recited by the claims.

It is noted that it does not appear that claim 3 is rejected although claim 3 is mentioned at the bottom of page 9 of the Office action.

* Applicants file herewith a new formal drawing of Fig. 1 as requested in the Form PTO 948 attached to the Office action.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. If the Examiner feels, for any reason, that a personal interview will expedite the prosecution of this application, he is invited to telephone the undersigned.

Respectfully submitted,



Frank R. Agovino, Reg. No. 27,416
SENNIGER, POWERS, LEAVITT & ROEDEL
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

FRACwa

Express Mail Label No. EL890729389US
Box Non-Fee Amendment